

Appl. No. 09/710,025
Amdt. Dated July 18, 2005
Reply to Office Action of February 18, 2005

REMARKS

In the Office Action of February 18, 2005, the Examiner rejected claims 1-5 and 7-11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,623,542 to Schneider, et al. in view of U.S. Patent No. 5,515,435 to DeBalko and further in view of U.S. Patent No. 6,307,933 to Stehlin. The Examiner also rejected claims 6 and 12-17 under 35 U.S.C. § 103(a) as being unpatentable over Schneider '542, DeBalko '435, Stehlin '933 and further in view of U.S. Patent No. 5,721,396 to Daoud. Applicants respectfully traverse these rejections.

As an initial matter, Applicants note that throughout the office action the Examiner has referred to connectors 234, 464, 469 and 250 in Figure 13 of Schneider '542 as connectors that are located in the second housing, as recited in some of the claims. Applicants wish to point out that elements 234, 464, 469 and 250 are coaxial cable connectors, however, those coaxial cable connectors are actually attached to the ends of the cables and are not "located in the second housing" as required by claims 1 and 13 or "located in the first portion of the second housing" or "located in the second portion of the second housing" as required by claim 7. For purposes of responding to this Office Action, Applicants assume that the Examiner intended to refer to the coaxial cable connector components located in tubular members 641, 642, 643 and 644 as shown in Figures 14 and 15 and described at column 13, lines 48-63 of the Schneider '542 reference.

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In rejecting claim 1, the Examiner notes that, among other things, Schneider '542 fails to teach that "at least one of the coaxial cable connectors in the first compartment and at least one of the coaxial cable connectors in the second compartment face the same direction." The Examiner concludes, however, that Stehlin '933 shows a connector 102 in a first compartment and a connector 109 in a second compartment that face the same direction. From this the Examiner concludes that

it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the arrangement of connectors, each located in different compartments facing the same direction, as taught by Stehlin . . . to provide easy installations of cables to either or both of technician and subscriber." Applicants respectfully traverse this rejection.

Applicants' claim 1 requires not simply a coaxial cable connector in a first compartment and at least one coaxial cable connector in the second compartment facing the same direction. Rather, it requires that these coaxial cable connectors that face the same direction be located in the housing of a cable television splitter that spans the first and second compartments. Stehlin '933 does not show connectors located in such a housing. Rather, Stehlin '933 shows a variety of different connectors facing a multitude of directions, such as connectors 102, 104, 109, 110 and 117.

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Applicants respectfully submit that the Examiner has used hindsight in combining the teachings of Schneider '542 and Stehlin '933. Prior art references may only be combined when there is a teaching, suggestion, or motivation within the prior art references themselves. *C.R. Bard, Inv. v. M3 Systems, Inc.*, 157 F.3d 1340, 1352 (Fed. Cir. 1998). Accordingly, hindsight reconstruction may not be used to "pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988).

Applicants submit that there is no such teaching, suggestion or motivation in Stehlin '933 to adapt the relative arrangement of the two specific coaxial cable connectors identified by the Examiner for use in the structure of Schneider '542. The only suggestion, teaching or motivation provided by the Examiner is that the combination would have been obvious "in order to provide easy installation of cables to either or both of technician and subscriber." However, this is not consistent with the teaching of Stehlin '933. That reference, as noted above, shows a plethora of connectors facing many different directions. Indeed, connectors 109 and 102 in Figure 12 face one direction. Connector 104 faces a different direction. Connectors 117 and 110 face yet a third direction. Accordingly, Stehlin '933 does not teach or suggest connectors in different compartments facing the same direction "to provide easy installations of cables," as that reference shows multiple connectors facing three different

directions including connectors within the same compartment facing different directions. Accordingly, it is respectfully submitted that claim 1 is allowable.

Turning to claim 7, the Examiner notes that Schneider '542 fails to teach a device in which "all of the coaxial cable connectors have a longitudinal axis and the longitudinal axes of all of the coaxial cable connectors are parallel." The Examiner asserts that Stehlin '933 shows a connector 102 in one compartment and a connector 109 in another compartment and that "the female connectors 102 and 108¹ are parallel." The Examiner concludes that it would have been obvious "to incorporate the use of the arrangement of connectors . . . as taught by Stehlin . . . in order to provide easy installations of cables to either or both of technician and subscriber." Applicants respectfully traverse this rejection for the same reasons discussed above with respect to claim 1. Furthermore, claim 7 clearly requires that "the longitudinal axes of all of the coaxial cable connectors are parallel" (emphasis added). Applicants note that the longitudinal axis of connector 102 in compartment 30 faces one direction and that the longitudinal axis of connector 109 in compartment 31 is parallel to the longitudinal axis of connector 102, but that the longitudinal axis of connector 110 in compartment 31 is disposed perpendicular to the longitudinal axis of connectors 109 and 102. Accordingly, Stehlin '933 does not add anything to the

¹ It is believed that the Examiner meant to refer to connector 109, not connector 108.

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teaching of Schneider '542. It fails to provide any motivation to combine its teachings with Schneider '542 to arrive at Applicants' claimed configuration. Accordingly, it is respectfully submitted that claim 7 is allowable.

Regarding claim 13, Applicant reiterates the comments made with respect to claim 1 in addressing the Examiner's combination of Schneider '542 and Stehlin '933. Furthermore, Applicants traverse the combination of Daoud '396 with the Schneider '542 and the other references.

The Examiner states that:

Schneider and DeBalko, in combination, fails to clearly teach [that] the housing includes an opening and the longitudinal axes of the coaxial cable connectors are perpendicular to the plane defined by the opening. However, Daoud teaches such features as shown in figures 1-4 for a purpose of providing or supplying as many different cables to the point of building entry as the number of subscribers, to meet each subscriber's ongoing service requirements.

Applicants respectfully traverse this rejection.

Daoud '396 is directed to a building cable entrance terminal. It includes a frame 12 with frame walls 14 essentially forming a box with an open top and a cover 50. A plurality of connectors (i.e., 82) all face the same direction, namely, toward the open top of the box. This is in contrast to what is shown in Figure 13 of Schneider '542. Schneider '542, like Daoud '396, also generally resembles an

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open box with a cover. However, in Schneider '542, the coaxial cable connectors do not face upwardly out of the top of the device. Rather, they face different directions out the sides of the device. Accordingly, applying the teachings of Daoud '396 to Schneider '542. would require (1) rotating cable television module 620 such that all of those connectors now face upwardly out of the device and (2) moving coaxial cable connector 644 such that it faces the same direction as connectors 641, 642 and 643. There is no teaching or suggestion to make such radical modifications to Schneider '542. This is particularly true given Applicants' disclosure. Page 6, lines 8-13 of Applicants' specification state:

Note that the combined network interface device and cable TV splitter of the present invention allows cables 40 and 41 to extend directly into first housing portion 11 and connect to coaxial cable connectors 32 and 33 without being bent or otherwise displaced.

Note that as clearly shown in Figure 1 of Daoud '396, the cables of that device enter from the side and are bent downwardly to connect to the upwardly facing connectors 82. Thus, one of skill in the art would also not combine the teachings of Daoud '396 and Schneider '542 to achieve Applicants' claimed invention because Daoud '396 stands in direct contradiction to Applicants' disclosure. Accordingly, it is respectfully submitted that claim 13 is allowable as well.

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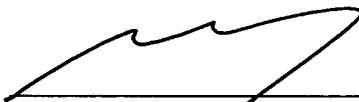
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The remaining claims, i.e., claims 2-6, 7-12 and 14-17, all depend, directly or indirectly, from one of the independent claims 1, 7 or 13. As the independent claims are considered allowable, the remaining dependent claims are likewise considered allowable.

An earnest attempt has been made to respond fully and completely to the Office Action of February 18, 2005. It is believed that all claims are allowable. Passage to issuance is respectfully solicited. If necessary to effect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (72249.4). However, please do not include the payment of issue fees.

Respectfully submitted,



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